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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,128	06/11/2001	Sang Seok Lee	049128-5010	2063

9629 7590 08/20/2003

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EXAMINER

KENNEDY, JENNIFER M

ART UNIT PAPER NUMBER

2812

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/877,128

LEE, SANG SEOK

Examiner

Jennifer M. Kennedy

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments with regard to the rejections under 35 U.S.C. 102 or 103 have been fully considered, but they are not deemed to be persuasive. The response to these arguments will be incorporated in the new ground of rejection given below.

The examiner notes that a typographical error was included in the non-final office action. Claims 1-6 were listed as rejected, but claims 1-7 should have been listed as rejected (as written in the office action summary). The examiner notes that the subject matter of claim 7 was addressed in the rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Von Gutfeld (U.S. Patent No. 6,219,126).

Von Gutfeld discloses the device as claimed including an upper plate (2a) and a lower plate (1a), a protrusion (3a, 3c) between a sealing area (peripheral portion)

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provided with a sealant and a picture display area (central portion) on one of the upper and lower plates, a the sealant (see column 4, lines 10-20) on one of the upper and lower plates, a liquid crystal layer (see column 4, lines 2-5) on one of the upper and lower plates using a liquid crystal dispensing method, such that the liquid crystal is disposed between the upper and lower places such that the protrusion completely contains the liquid crystal material in the picture displaying area.

Von Gutfeld further discloses the device wherein the sealant (2b) is formed on one of the upper an lower plates and the protrusion (3a, 3c) is formed on the other one of the upper and lower plates, and wherein the sealant (2a) and the protrusion (3a, 3c) are formed on the same one of the upper and lower plates, and wherein the protrusion is formed from any one of metal, indium-tin-oxide and organic insulating film (see column 5, lines 20-30).

Applicant argues that Von Gutfeld discloses that small vent holes are provided so that not all of the liquid crystal is completely contained by the protrusion. The examiner notes that Von Gutfeld discloses this alternative in the case when accuracy of amount of liquid crystal is a problem it may be preferable to deposit an excess of LC material and then provide a small vent hole. However, Von Gutfeld clearly discloses depositing a preselected amount of liquid crystal (see column 4, lines 1-10) and that the vent holes are not required. The examiner maintains that Von Gutfeld discloses an embodiment in which vent holes are not formed, and thus the liquid crystal is completely contained by the protrusion.

Teaching another way is a broad concept. It refers to a situation where a reference teaches a preferred, a better or an alternative way to a claimed way of accomplish something. A reference must be considered for all it teaches. *Ashland Oil, Inc. V. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 296, 227 USPQ 657, 666 (Fed. Cir. 1985).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Gutfeld (U.S. Patent No. 6,219,126) in view of Ishihara et al. (U.S. Patent No. 5,263,888).

Von Gutfeld discloses the method including the steps of providing an upper plate (2a) and a lower plate (1a), forming a protrusion (3a, 3c) between a sealing area (peripheral portion) provided with a sealant and a picture display area (central portion) on one of the upper and lower plates, forming the sealant (see column 4, lines 10-20) on one of the upper and lower plates, forming a liquid crystal layer (see column 4, lines 2-5) on one of the upper and lower plates using a liquid crystal dispensing method, and joining the upper plate with the lower plate (see column 4, lines 20-25).

Von Gutfeld further discloses the method and the device wherein the sealant (2b) is formed on one of the upper and lower plates and the protrusion (3a, 3c) is formed on the other one of the upper and lower plates, wherein the sealant (2a) and the protrusion (3) are formed on the same one of the upper and lower plates and the liquid crystal is deposited such that the liquid crystal is disposed between the upper and lower plates such that the protrusion completely contains the liquid crystal material in the picture displaying area and wherein the protrusion is formed from any one of metal, indium-tin-oxide and organic insulating film (see column 5, lines 20-30).

Von Gutfeld does not explicitly disclose the method of dispensing the liquid crystal on the picture display are evenly, but does disclose one would want to dispense of it by the method of Ishihara et al. (U.S. Patent No. 5,263,88). Ishihara discloses the method of dispensing the liquid crystal evenly (see item 2 of Figure 3(a), and column 4, lines 25-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to since Von Gutfeld expressly states this method could be used and because the method of Ishihara allows for a high-quality display panel.

Applicant argues that Von Gutfeld discloses that small vent holes are provided so that not all of the liquid crystal is completely contained by the protrusion. The examiner notes that Von Gutfeld discloses this alternative in the case when accuracy of amount of liquid crystal is a problem it may be preferable to deposit an excess of LC material and then provide a small vent hole. However, Von Gutfeld clearly discloses depositing a preselected amount of liquid crystal (see column 4, lines 1-10) and that the vent holes are not required. The examiner maintains that Von Gutfeld discloses an embodiment in

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which vent holes are not formed, and thus the liquid crystal is completely contained by the protrusion.

Teaching another way is a broad concept. It refers to a situation where a reference teaches a preferred, a better or an alternative way to a claimed way of accomplish something. A reference must be considered for all it teaches. *Ashland Oil, Inc. V. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 296, 227 USPQ 657, 666 (Fed. Cir. 1985).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

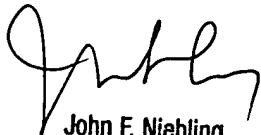
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (703) 308-6171. The examiner can normally be reached on Mon.-Fri. 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (703) 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



jmk  
August 5, 2003

  
John F. Niebling  
Supervisory Patent Examiner  
Technology Center 2800